

216143US0DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: : ATTN: NEW APPLICATIONS
PHILLIPPE MOULLIER ET AL :
SERIAL NO. NEW DIVISIONAL APPLICATION :
FILED: HEREWITH :
FOR: BIOCOMPATIBLE IMPLANT
FOR THE EXPRESSION AND
IN VIVO SECRETION OF A
THERAPEUTIC SUBSTANCE

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Prior to examination on the merits, please amend the above-identified application as follows.

IN THE SPECIFICATION

Please amend the specification as shown in the attached marked-up copy to read as follows:

Page 1, after the title, please insert:

--This application is a Divisional Application of U.S. Serial No. 09/225,509 filed on January 6, 1999, allowed, which is a Divisional of Serial No. 08/532,814 filed January 19, 1996, now U.S. Patent No. 5,906,817, which was filed as International Application No. PCT/FR94/00456 filed April 21, 1994.--

TOSTITI-TOSZESZ

Page 16, line 4, replace the text in its entirety with the following:

- Figure 1 : nucleotide sequence of the vector M48 (SEQ ID NO:1);

Page 17, line 15, replace the text in its entirety with the following:

The complete structure of the vector M48 (SEQ ID NO:1) (Figure 1) comprises:.

Page 45 (Abstract), after the last line, beginning on a new page, please insert the attached Sequence Listing.

REMARKS

The specification has been amended to include reference to earlier filed applications, Sequence Identifiers (SEQ ID NO:) and a Sequence Listing. No new matter is believed to be added by these amendments.

The present application is a Divisional Application of U.S. Serial No. 09/225,509 filed on January 6, 1999, allowed, which is a Divisional of Serial No. 08/532,814 filed January 19, 1996, now U.S. Patent No. 5,906,817, which was filed as International Application No. PCT/FR94/00456 filed April 21, 1994.

The paper copy of the Sequence Listing appended herewith and which is requested to be included in this application is identical to the last-filed computer readable Sequence Listing in parent application U.S. Serial No. 09/225,509 filed January 6, 1999. In accordance with 37 CFR § 1.821 (e), Applicants request that the Patent Office use the last filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.

09927601.114501

Applicants submit that the present application is ready for examination on the merits.

Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Marked-Up Copy

Serial No:
New Application
Amendment Filed on:
November 15, 2001

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